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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/510,271 | 10/05/2004 | Kathleen Bellekens | 9303-37 | 1628 |
| 20792 | 7590 | 01/13/2006 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC | | | STEIN, JAMES D | |
| PO BOX 37428 | | | ART UNIT | |
| RALEIGH, NC 27627 | | | PAPER NUMBER | |
| | | | 2874 | |

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/510,271 | | BELLEKENS ET AL. | |
| | Examiner | | Art Unit | |
| | James D. Stein | | 2874 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on pre-amendment filed on 10/05/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19, 20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16, 19 and 20 is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-11 and 22-23 is/are rejected.
- 7) ☐ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the pre-amendment filed on 10/05/04, which has been fully considered and entered. Claims 1-13, 15-16 and 19-20 have been amended, claims 17-18 and 21 have been cancelled and new claims 22-23 have been added. Claims 1-16, 19-20 and 22-23 are pending in the application.

Information Disclosure Statement

The references cited in the information disclosure statement filed 10/05/04 have been considered (see attached copy of PTO-1449).

Drawings

Nine (9) sheets of formal drawings filed 10/05/05 have been accepted by the examiner.

Specification

Applicant's cooperation is requested in correcting any errors of which applicant may become aware of in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 11 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by [USPAT 6,249,633] to Wittmeier et al. ("Wittmeier"), which discloses a related optical circuit enclosure.

With regard to claim 11, figs. 1 and 2 of Wittmeier show an optical circuit enclosure enclosing at least one pre-fabricated and pre-installed optical circuit 31 or optical circuit component, the enclosure comprising: a tray-type container 14 containing at least one circuit or component 21, a tray-type closure member (45/15) arranged having a base with an external surface and with the external surface covering the container 14, the closure member carrying on the opposite side thereof from the container at least one further optical circuit component (35/49) for connecting the enclosed circuit or component 17 to an external circuit or component (additional fiber).

With regard to claim 23, in addition to the rejection of claim 11 previously discussed above, the sectional view of fig. 1 shows the external surface 43/15 closing the container 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art [JP 2001-042156] to Masato et al. ("Masato") and further in view of [USPAT 4,932,744] to Messelhi, which disclose related optical fiber closure devices.

With regard to claims 1 and 4, figs 1-3 of Masato show an optical circuit enclosure enclosing at least one optical circuit or optical circuit component; the said enclosure comprising: a tray-type container 1A containing at least one circuit or components 5/8, a tray-type closure member 2A having a base with an external surface and arranged with the external surface

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covering the container 1A, the closure member carrying on the opposite side thereof from the container at least one further optical circuit component 31/32 for connecting the enclosed circuit or component 5A to an external circuit or component (¶0016), and sealing means 24/6 providing a seal between the container 1A and the closure member 2A. It is noted that sealing means 24/6 comprises the base of closure member 2A engaging the container 1A.

Therefore, the claimed invention has been disclosed and previously discussed above except for the sealing means to be a moisture-resistant seal. Messelhi discloses a related fiber optic organizer device (fig. 1) wherein a container 70 is arranged such that it prevents the ingress of moisture (abstract). Since Messelhi teaches that the prevention of moisture ingress is preferable, it would have been obvious at the time of the invention to one of ordinary skill in the art to ensure the sealing means 24/6 of Masato was moisture resistant in order to prevent water from entering the container 1A.

With regard to claim 2, in addition to the rejection of claim 1 previously discussed above, laminar is defined as a thin plate, sheet or layer (American Heritage Dictionary). Fig. 1 of Masato shows the sealing means 6 to comprise a thin plate, sheet or layer.

With regard to claim 3, in addition to the rejection of claim 2 previously discussed above, that claimed invention has been disclosed and discussed above except for the laminar sheet to comprise a metallized moisture resistant layer. Since metallized layers are known to be moisture resistant laminar layers, it would have been obvious at the time of the invention to one having ordinary skill in the art to select the known material on the basis for its suitability for the intended use (preventing moisture ingress, as discussed above).

With regard to claim 5, in addition to the rejection of claim 1 previously discussed above, fig. 1 of Masato shows sealing means 6 providing a moisture resistant seal between the container 1A and the closure member 2A. Fiber optic cables 5 exit an enclosed region from the circuit component 31/32. Fig. 2 shows circuit components 23a and 23b from a side view.

With regard to claim 7, figs. 2 and 3 shows closure member 1A attachably/detachably (rotatable between two positions) mounted with respect to the container 1A.

With regard to claims 8 and 9, in addition to the rejection of claim 1 previously discussed above, said optical circuit or component comprises optical fiber 5/8, which is inherently pre-fabricated and installed during the manufacturing assembly thereof.

With regard to claim 10, in addition to the rejection of claim 1 previously discussed above, fig. 1 of Masato shows at least one further container (right side) and wherein the closure member 2A closes each of the containers 1A (left side/right side), thereby to provide separate enclosures for respective optical circuits and/or components 5/8 (left side/right side).

With regard to claim 22, in addition to the rejection of claim 1 previously discussed above, figs. 1-3 of Masato show the external surface (bottom) of closure member 2A closes the container 1A.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the cited prior art discloses or suggests the optical circuit enclosure discussed above wherein the sealing means comprises a pair of sealing members and

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the optical fibres are located between the strips and sealed to the strips by the application of heat and/or pressure. This feature is unique to the claimed invention and provides more dynamic sealing of excess optical fiber than the prior art.

Claims 12-16 and 19-20 are allowed. None of the cited prior art discloses or suggests the optical fiber enclosure previously discussed above further comprising a tamper-evident sealing means. Optical fiber organizers such as the present invention (and the cited prior art) generally store excess optical fiber for the splicing and coupling purposes. As such, the fiber or components stored therein are not generally sensitive or expensive equipment/systems in and of themselves, but rather passive hardware components to be used in separate systems; and thus are not of significant value other than the cost of the components themselves. Therefore, it would not have been obvious at the time of the invention to one of ordinary skill in the art to modify the prior art to include a tamper-evident sealing means as claimed. There is no suggestion or motivation in the prior art that such a sealing means would be advantageous or useful in any way.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: [USPAT 6,249,632] to Wittmeier et al., which discloses a related optical fiber splice organizer.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

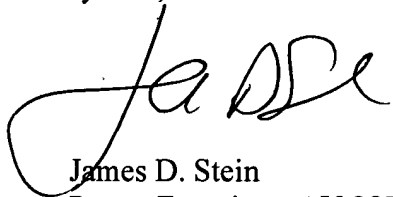
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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Stein whose telephone number is (571) 272-2132. The examiner can normally be reached on M-F (8:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James D. Stein
Patent Examiner, AU 2875



SUNG PAK
PRIMARY EXAMINER